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England. - Parliament [Bills - II George II.]



Read 12 March 1759

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Enacted 32 Geo. II. Private Act

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FOR

*Dividing and Inclosing the open arable
Fields, open Meadows, and common Pasture
Grounds, in the Parish of Sileby, in the
County of Leicester.*



Whereas there are several open arable Fields, open Meadows, and common Pasture Grounds, in the Parish of *Sileby*, in the County of *Leicester*, consisting, by Estimation, of Two thousand Two hundred Acres, or thereabouts:

And whereas *William Pochin*, Esquire, is ImproPRIATOR of the Rectory, and Patron of the Vicarage and Parish Church, of *Sileby*, and is intitled to all the great and small Tythes within the said Parish, and to Glebe and other Land there, and the Reverend *Ralph Heathcote*, Clerk, is Vicar and Incumbent of the said Parish;

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And whereas the said *William Pockin*, the said *Ralph Heaton*, of his Vicarage, *Thomas Wallis*, *James Moore Molyneux*, *Thomas King*, Esquires, and several other Persons, are the Proprietors of the Residue of the Lands in the said Fields and Meadows, and, with others, are intitled to a Right of Common therein, and upon the said Pasture Grounds :

And whereas the Lands belonging to the several Proprietors in the said Fields and Meadows lie intermixed and dispersed ; and it would be an Advantage to the several Parties interested, if the said Fields, Meadows, and Pasture Grounds, were divided and inclosed ; But such Division and Inclosure cannot be effectually made and established without the Authority of Parliament :

May it therefore please Your MAJESTY,

That it may be Enacted ; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

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and their Successors, to be elected in manner herein after-mentioned, shall be, and they are hereby, appointed Commissioners for setting out, dividing, allotting, and inclosing, all the open arable Fields, open Meadows, and common Pasture Grounds, in the said Parish of *Sileby*, in the County of *Leicester*, and for putting this Act in Execution.

~~And~~ for the better ascertaining, and more certain and equal Division, of the said Fields, Meadows, and Pasture Grounds, Be it further Enacted, by the Authority aforesaid, That a Survey shall be made by such Person or Persons as the said Commissioners, or any or more of them, shall appoint, of the said Fields, Meadows, and Pasture Grounds, and also of all the antient Inclosures within the said Parish ; and such Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Measure, belonging to each Proprietor in the said Fields, Meadows, Pasture Grounds, and antient Inclosures, shall be therein expressed and ascertained ; and the said Survey shall be laid before the said Commissioners, or any or more of them, on or before the Day of or as soon thereafter as conveniently may be.

Provided always, and be it further Enacted, by the Authority aforesaid, That the Lands belonging to each Proprietor in the said arable Fields shall be measured to the full Extent of the Ridge and Furrow which shall appear at any time to have been made in or upon such Lands respectively, notwithstanding any Part of such Lands shall, at the time of making such Survey, be used for Pasture.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or any or more of them, shall, and they are hereby authorized and required, after the said Survey shall have been laid before them, and



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or as soon thereafter as conveniently may be, to set out, divide, and allot, the said Fields, Meadows, and Pasture Grounds, in manner herein after mentioned; that is to say, In the First place, they shall set out and allot unto the said *William Pochin*, Esquire, such Parcel or Parcels of Land as shall be equal (Quantity and Quality considered) to the Glebe Lands now belonging to the said *William Pochin*, Esquire, in the said Fields and Meadows, and Grounds; and shall also set out and allot unto the said *William Pochin*, in lieu of, and as a Compensation for, all the great and small Tythes arising or to grow due upon, for, or in respect of, the said Fields, Meadows, and Pasture Grounds, and the Houses, Yards, Gardens, and Orchards, of the several Proprietors thereof, and also in lieu of all *Easter Offerings*, and other Dues whatsoever, of and from such Proprietors only (Mortuaries excepted), belonging to the said *William Pochin*, as Impropiator of the Rectory of *Sileby*, such Parcel or Parcels of Land as shall contain, in the Whole (Quantity and Quality considered)

Part, and no more, of such Lands in the said Fields, Meadows, and Pasture Grounds, as are now subject to the Payment of great and small Tythes, and such Parcel of Land of such Parts of the said Fields, Meadows, and Grounds, as are subject only to the Payment of small Tythes (the said Parts consisting only of One hundred and Eighty-seven Acres, or thereabouts, of Meadow Ground, as shall be equal in Value to Acres thereof, upon an Average of the Whole; and shall set out and allot the Residue of the said Fields, Meadows, and Pasture Grounds, unto and among the several Persons, who, at the time of making such Division, shall be intitled to Lands, Right of Common, or other Property therein, in proportion to their several and respective Shares, Interests, and Right of Common (except as to such Part of the Property of the said *William Pochin*, for which Allotments shall be made in manner herein before directed; and shall, out of the Allotments to be made in pursuance of this Act, to such of the said Proprietors who are intitled to the said antient Inclosures in *Sileby* aforesaid, set out and allot to and for the said *William Pochin* such Parcel and Quantity of Land as shall, in the Judgment of the said Commissioners, or any or more of them, be equal in Value to the great and small Tythes of such antient Inclosures (not being Yards, Gardens, or Orchards), subject nevertheless to the Rules, Orders, and Directions, herein contained, and authorized to be established, concerning the same.

Provided nevertheless, and it is hereby Enacted and Declared, by the Authority aforesaid, That nothing herein contained shall extend to empower the said Commissioners, or any of them, to give any undue Preference to any of the Parties interested in the said Division, in respect to their Shares or Allotments; and that the said Commissioners, in making such Allotments, shall have due Regard to the Quality as well as Quantity both of the Lands now belonging to each Proprietor and Person interested, and the Right of Common, and other Property, of every such Proprietor and Person, and the Quality as well as Quantity of the Lands so to be assigned and allotted in lieu thereof; and to allot the Share or Shares of each Party as near to some other of the Lands or the Tenements belonging to each Party respectively as can be conveniently done.

Provided always, and be it further Enacted, by the Authority aforesaid, That all such Parcels of Land in the said Fields, Meadows, and Pasture Grounds, as were in Part inclosed before the

shall be allotted to the respective Proprietors of such Parcels, except the said Commissioners, or any or more of

of them, in making the Division and Partition of the said Fields, Meadows, and Pasture Grounds, shall find it necessary or convenient to include all or any Part of such Parcels in any Allotment or Allotments to be made to any other Person or Persons; and, in such Case, the Allotments to be made to the Owners of such Parcels in lieu thereof, or of any Part thereof, shall be as near to their respective Dwellings or Lands as may be consistent with the general and convenient Partition and Division of all the Lands hereby intended to be inclosed.

And, for the better ascertaining the Rights and Claims of all the Parties interested as aforesaid, **Be it further Enacted**, by the Authority aforesaid, That it shall be lawful, by and with the Consent of such Parties, signified by Writing under their Hands, for the said Commissioners, or any one or more of them, in case any Difference shall arise between any of the Parties so interested as aforesaid, touching their respective Rights and Claims in, or in respect of, the Lands to be inclosed, to hear and examine Witnesses upon Oath, and finally to determine the same.

And be it further **Enacted**, by the Authority aforesaid, That the said Commissioners, or any one or more of them, shall and may set out and appoint such public and private Roads or Ways, and also such Ditches, Fences, Drains, Bridges, Gates, and Stiles, as they shall think convenient, in, over, and upon the Inclosures to be made by virtue of this Act, so as that all such public Roads shall be at least so broad at the least, between the Ditches or Fences; and such public Roads shall, at all times for ever thereafter, be repaired and kept in Repair in such Manner as other public Highways are by Law directed to be repaired; and that after the making the Roads and Ways so set out and appointed, it shall not be lawful for any Person or Persons to use any other Roads or Ways, either public or private, over or through the said new Inclosures, on Foot or with Horses, Cattle, or Carriages, as Part of such Lands; and that all the private Ways, Ditches, Fences, Drains, Bridges, Gates, and Stiles, so to be set out and appointed as aforesaid, shall be made, and at all times thereafter repaired, cleansed, maintained, and kept in Repair, by such Person or Persons, and in such Manner, as the said Commissioners, or any one or more of them, shall, by their Award or Instrument herein after-mentioned, order, direct, or appoint.

Provided also, That any of the Proprietors of the said Inclosures shall have full Liberty, for the Term of one Year next after the Execution of the said Award or Instrument, to erect or set up and continue any Gate or Gates across any Part of the Roads, which shall be set out or appointed by such Award or Instrument, against his, her, or their Land, for keeping out Sheep and Cattle, and to prevent their destroying any Banks, Wood, Plants, Quicksets, or Fences, which shall be made or planted for inclosing or fencing the same, or any Part thereof.

And be it further **Enacted** by the Authority aforesaid, That within the Space of six Calendar Months after the Division and Allotments of the said Fields, Meadows, and Pasture Grounds, shall be completed and finished, the said Commissioners, or any one or more of them, shall form and draw up an Award or Instrument thereof in Writing, which shall express the Quantity and Contents, in Statute Measure, of the Acres, Roods, and Perches, contained in the said Fields, Meadows, and Pasture Grounds, so intended to be inclosed as aforesaid, and the Quantity and Contents of each and every Part and Parcel thereof.

thereof, assigned and allotted to each of the Parties intitled to Lands, Tythes, Common Right, or any other Property, within the same, and a Description of the Situation, Buttals, and Boundaries, of such Parcels and Allotments respectively, and proper Orders and Directions for and concerning the laying out and making of the public Roads, and the Breadth thereof, and for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair, the private Roads and Ways, Fences, Ditches, Drains, Bridges, Gates, and Stiles, in, upon, and over the said intended Inclosures, and also all such Orders, Regulations, and Determinations, as are in or by this Act mentioned, directed, or required to be made and established; and such other Orders and Regulations as shall be necessary or proper, conformable to the true Tenor of this Act, for the more easy, convenient, and effectual Execution thereof, and for preventing all Difficulties and Disputes in relation to the Matters herein contained; which said Award or Instrument shall be fairly ingrossed upon Parchment, and signed and sealed by the said Commissioners, or any one or more of them; and shall, within Calendar Months next after the same shall be so signed and sealed as aforesaid, be inrolled in One of his Majesty's Courts of Record at *Westminster*, and a Copy thereof, attested by the proper Officer of the Court where the same shall be inrolled, shall at all times be admitted, in all Courts whatsoever, as legal Evidence of the same; and that the several Allotments and Divisions, and all Orders, Directions, Regulations, and Determinations, so to be made as aforesaid, in and by such Award or Instrument, shall be binding and conclusive unto and upon all Persons intitled to or claiming any Lands, Common Right, or other Property whatsoever, in the said Fields, Meadows, and Pasture Grounds, and any great or small Tythes, *Easter* Offerings, or other Dues (Mortuaries excepted), upon, for, or in respect of, the said Fields, Meadows, and Pasture Grounds, and antient Inclosures, as belong to the Proprietors of any of the Allotments to be made by virtue of this Act; and that the several Allotments to be made as aforesaid, shall be in full Bar of and Compensation for all and all manner of Lands, Interest, Common Rights, and Property whatsoever, in the said Fields, Meadows, and Pasture Grounds, and of all great and small Tythes, *Easter* Offerings, and other Dues as aforesaid (except as aforesaid), upon, for, or in respect of all the Lands hereby intended to be divided and inclosed, and upon, for, or in respect of all such antient inclosed Lands within the said Parish, as belong to the Proprietors of the Allotments to be made by virtue of this Act; and that all Right and Claim to all such great and small Tythes, *Easter* Offerings, and Dues, and also all Right of Common or Common of Pasture, shall, immediately after the Execution of such Award or Instrument, cease and be forever extinguished.

Provided always, That nothing in this Act contained shall prejudice the Right of the said Vicar or his Successors, to any Surplice Fees, Dues, or Duties, which are now taken by the said Vicar.

And be it further Enacted, by the Authority aforesaid, That every Person intitled to any Allotment or Allotments to be made as aforesaid, shall and is hereby required to accept such Allotment or Allotments, within the Space of Calendar Months next after the Execution of the said Award or Instrument, and public Notice given in the said Parish Church on a *Sunday*, immediately after Divine Service, and also Notice in Writing affixed on the Door of the said Church for that Purpose, signed by the said Commissioners, or any one or more of them, which Notices the said Commissioners, or any one or more of them, are hereby required to cause to be so published and given.

Provided always, and it is hereby further Enacted and Declared, by the Authority aforesaid, That the Guardians, Husbands, Trustees, Committees, or Attornies of, or Persons acting as Guardians, Trustees, Committees, or Attornies for, any Person or Persons being Infants, Lunatics, Idiots, Femmes-covert, or beyond the Seas, or otherwise incapable by Law to accept any such Allotment, shall be and are hereby enabled and required to accept thereof, for the Use of such Person or Persons; and also that any Person or Persons intitled to any Allotment or Allotments as Tenant or Tenants for Life or Lives, shall be, and is and are hereby respectively enabled to take and accept of such Allotment or Allotments; and also that any Person or Persons intitled to any Allotment or Allotments in Remainder or Expectancy, upon any precedent particular Estate, upon Neglect or Refusal, for the Space aforesaid, of any Tenant or Tenants in Possession, or any Person intitled to such precedent particular Estate, shall be, and is and are respectively hereby enabled to accept of any such Allotment or Allotments, in lieu and instead of any such Tenant or Person so intitled, and neglecting or refusing as aforesaid; and every such Acceptance respectively shall be, and is hereby declared to be, valid and effectual, to all Intents and Purposes whatsoever.

Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatic, Idiot, Feme-covert, Person beyond the Seas, or under any Incapacity as aforesaid, who shall claim or accept within Calendar Months after such Incapacity shall be removed, or of any Person or Persons intitled as Heir, or in Remainder, after the Death of any Person dying under such Incapacity, who shall claim or accept within Calendar Months after his, her, or their Right or Interest shall have accrued, or be known to have accrued.

And be it further Enacted, by the Authority aforesaid, That within the Space of Calendar Months after the Execution of such Award or Instrument as aforesaid, the several Parcels of Land thereby allotted shall be inclosed, hedged, ditched, or fenced, and such Inclosures, Hedges, Ditches, and Fences, at all times thereafter, shall be repaired and maintained by the Proprietors of such Lands respectively, and in such Manner as the said Commissioners, or any or more of them, shall, in such Award or Instrument, order and direct; and that it shall be lawful for the respective Persons to whom such Allotments shall be made by virtue of this Act, from time to time, and at all times during the Term of Years next after the Execution of the said Award or Instrument, to set down and place Posts and Rails, or any other Fence, on the Outside of the Ditches bounding their respective Allotments, not exceeding from such Ditches, for the better Preservation of their Quickset Hedges, and to repair and to take and carry away such Posts and Rails, or other Fences, at any time before the End of the said Term.

Provided always, and be it further Enacted, by the Authority aforesaid, That the Allotment or Allotments to be made to the said *Ralph Heathcote*, Clerk, and his Successors, Vicars of the said Parish, in lieu of the Lands belonging to the said Vicarage, shall be inclosed and fenced at the Expence of the Proprietors of the other Allotments, which Expence shall be defrayed by such Proprietors, in proportion to their respective Properties in the said Inclosures, in such Manner as shall be ascertained by the said Commissioners, or any or more of them; and that such Fences shall be for ever thereafter maintained by the said Vicar

Vicar and his Successors, any thing herein contained to the contrary notwithstanding.

Provided also, and it is hereby further Enacted, by the Authority aforesaid, That convenient Openings shall be left in the said Fences and Inclosures, for the Space of Calendar Months next ensuing the Execution of the said Award or Instrument, for the Passage of Cattle, Carts, and Carriages, through the same, unless the several Parties interested therein shall agree that the same shall be sooner made up and inclosed.

And it is hereby further Declared and Enacted, by the Authority aforesaid, That in case any Trees, Underwoods, Thorns, Hedges, Bushes, or Shrubs, shall, at the time of making such Allotments as aforesaid, be upon any Lands which shall be allotted to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof at and immediately before the making of such Allotments, then, and in such Case, it shall be lawful for such Owners and Proprietors thereof, respectively, at any seasonable Time or Times, within the Space of Calendar Months after such Allotments shall be made, to enter into the Lands upon which such Trees, Underwoods, Thorns, Hedges, Bushes, and Shrubs, shall be standing and being, and to fell and cut down, and with Horses and Carriages, or otherwise, to carry away the same at his and their Wills and Pleasures, to and for his and their own proper Use and Benefit, unless any such Hedges shall be assigned by the said Commissioners, or any or more of them, as the Boundary or Fence to or for any Allotment or Allotments to be made by virtue of this Act; in which Case, such Hedges shall be left Stake-high, or of such other Height as the said Commissioners, or any or more of them, shall, in their said Award or Instrument, appoint for the Benefit of the Proprietors of such Allotments respectively; and such Allowance or Consideration shall be made by such Proprietors for the same to the Owners of such Hedges respectively, as the said Commissioners, or any or more of them, in their said Award or Instrument, shall order and direct.

Provided always, and it is hereby further Enacted, That nothing in this Act contained shall revoke, make void, alter, annul, or any-ways affect, any Settlement, Deed, or Will whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance, or other Demand out of, upon, or affecting, any of the Lands hereby intended to be inclosed, or any Part or Parcel thereof; but that the Lands to be allotted shall, immediately after the making such Division, be, remain, and enure, and be held and enjoyed, and the several Proprietors, to whom the same shall be allotted, shall from thenceforth stand and be seised and possessed thereof, respectively, subject and liable to the same Uses, and for such and the same Estates and Interests, and subject to such and the same Wills, Powers, Provisoos, Limitations, Remainders, Trusts, Charges, Rents, Incumbrances, and Demands, as he, she, or they, respectively, should and would have stood seised of, and in his, her, or their Lands, Interest, or Property in the said Fields, Meadows, and Pasture Grounds, in case this Act had not been made; any thing herein contained to the contrary notwithstanding.

Provided nevertheless, and he it further Enacted, by the Authority aforesaid, That, from and after the Execution of the said Award or Instrument, all Leases, Contracts, and Agreements, relating to any Sort of Tythes in the
said

said Parish; and that all Leases at rack or extended Rent subsisting, of all or any Part or Parts of the Lands hereby intended to be inclosed, and all other Agreements at rack or extended Rent, for any Time or Term therein; shall, immediately after the Execution of such Award or Instrument, or so soon thereafter as the said Commissioners, or any or more of them, shall, by the said Award or Instrument, appoint, cease, determine, and be void, the Person or Persons, who have made any such Lease or Leases, or Agreements, making such Satisfaction to such their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any or more of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on Account thereof, or as an Equivalent for the same.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or any or more of them, shall and they are hereby required to give, or cause public Notice to be given in the Parish Church of *Sileby* aforesaid, upon some *Sunday* immediately after Divine Service, of the Time and Place of their First Meeting and every subsequent Meeting for the Execution of this Act, at least Days before any such Meeting shall be held, Meetings by Adjournment only excepted.

And be it further Enacted, by the Authority aforesaid, That if any or more of the Commissioners appointed by this Act, or who shall have been elected in the Manner herein after-mentioned, shall, before the Execution of the said Award or Instrument, die or refuse to act, the surviving or remaining Commissioners, or of them, shall, from time to time, by Writing under their Hands and Seals, within Calendar Months next after such Death or Refusal shall happen, or be known, appoint One other Commissioner, not interested in the said intended Inclosure, instead of each Commissioner so dying or refusing to act; and every such Commissioner, so to be appointed, shall have the like Authority to act in the Execution of this Act, as the Commissioner in whose place he shall succeed was vested with; which said Writing shall, within Days after the Execution thereof, be inrolled in One of his Majesty's Courts of Record at *Westminster*, and a true Copy thereof shall be admitted in all Courts whatsoever as legal Evidence.

And be it further Enacted and Declared, by the Authority aforesaid, That the Charges and Expences incident to and attending the obtaining of this Act, and of the surveying, dividing, and allotting the Lands hereby intended to be inclosed, and of inclosing the Allotment or Allotments to be made to the said Vicar, and of the preparing and inrolling the said Award or Instrument, and of the said Commissioners, and all other necessary Expences in, or in relation to, the Execution of this Act, shall be defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue hereof (other than and except the said Vicar and his Successors, in proportion to the Value of the Lands so allotted to them respectively; which Proportions shall be settled and adjusted by the said Commissioners, or any or more of them.

Provided always, That the Proportion of the Expences to be paid by the said *William Pochin* of inclosing the Allotment or Allotments to the said Vicar, and of obtaining and putting in Execution this Act, shall be ascertained according to the Value of the Allotments which shall be made to the said *William Pochin* in lieu of his Glebe and other Lands only.

And

And whereas several of the Owners and Proprietors of the said Allotments may have Occasion to borrow Money, to defray their respective Proportions of the Charges and Expences incident to and attending the Obtaining and Execution of this Act, and of inclosing their respective Allotments, and cannot, by reason of some Settlement or Settlements already made, or other Impediments or Cumbrances respectively affecting such Allotments, make an effectual Security thereon for the Money that may be lent for that Purpose; **Be it therefore further Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for any of the Owners or Proprietors (except the said Vicar) of any Allotment or Allotments to be made by virtue of this Act, and for any Guardians, Husbands, Trustees, or Committees of, or any Persons acting as Guardians, Trustees, or Committees for, any Infants, Lunatics, Ideots, Females, Feme-coverts, Persons beyond the Seas, or otherwise incapable to act for themselves, to charge the Lands and Grounds, which shall be so allotted to them respectively, with any Sum or Sums of Money, not exceeding for every Acre of the said Lands and Grounds so allotted to them respectively, to be lent to such Person or Persons as the said Commissioners, or any one or more of them, shall for that Purpose respectively nominate and appoint, in order to be applied and disposed of for the Purposes aforementioned; and for securing the payment of the said Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise the Lands and Grounds so to be charged, unto such Person or Persons as shall advance such Money respectively, for any Term or Number of Years, so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or, with an express Trust, to be surrendered when such Sum or Sums of Money, with the Interest thereof, shall be paid; or otherwise shall be lawful (at the Request of such Owners or Proprietors as aforesaid, or any one of them) for the said Commissioners, or any one or more of them, by Writing under their Hands and Seals, to authorize and empower any such Owner or Proprietor, so making such Request, to charge the Lands and Grounds, which, in pursuance of this Act, shall be allotted to such Owner or Proprietor by the last Will and Testament of such Owner or Proprietor, duly executed according to Law, with such Sum or Sums of Money, not exceeding for every Acre so to be allotted to be paid to such Person or Persons, as such Owner or Proprietor shall, by such his last Will and Testament, direct and appoint.

And be it hereby further Enacted and Declared, That every such Grant, Mortgage, Lease, or Demise, and every such Charge, Direction, or Appointment, so made by the last Will and Testament of any such Owner or Proprietor, of, in, or upon, the said Grounds and Lands, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purpose thereby intended, notwithstanding any Settlement, Will, Trust, Use, Remainder, or Limitation, of or concerning the said Grounds and Lands, or any Part or Parts thereof, then in being, or capable of taking Effect, to the contrary.

And be it further Enacted, by the Authority aforesaid, That in case any Person or Persons, to whom any Allotment or Allotments shall be made, or by Guardian, Husband, Trustee, Committee, or Attorney of, or Person acting as Guardian, Trustee, Committee, or Attorney for, any Infant, Lunatic, Ideot, Feme-covert, Person beyond the Seas, or otherwise incapable to act for himself or herself, shall neglect or refuse to accept, or to inclose, hedge, ditch, and fence, his, her, or their Allotment or Allotments, respectively, within the Time aforesaid.

aforesaid, or in the Manner directed by the said Award or Instrument, or to pay and defray his, her, or their respective Proportion or Proportions of the Charges and Expences incident to and attending the obtaining of this Act, or of the surveying, dividing, or allotting, the Lands hereby intended to be inclosed, or of inclosing the Allotment to be made to the said Vicar, or of preparing and inrolling the said Award or Instrument, and of the said Commissioners, or of any other necessary Expences in, or in relation to, the Execution of this Act; then, and in all, any, or either of such Cases, it shall be lawful for the said Commissioners, or any or more of them, and they are hereby impowered and required to borrow and take up at Interest such Sum and Sums of Money as they shall think necessary and sufficient to inclose, hedge, ditch, and fence, such Allotment or Allotments, and to defray such Proportion of Proportions of the said Charges and Expences, respectively, and, by Indenture or Indentures under their Hands and Seals, from time to time, to grant, mortgage, lease, and demise, the Lands allotted to such Person or Persons so refusing or neglecting as aforesaid, unto any Person or Persons who shall be willing to lend such Money, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, for securing the Repayment of such Money so to be lent, with Interest for the same, not exceeding the Rate of for the Hundred by the Year, within a reasonable Time, in the said Grant, Mortgage, Lease, or Demise, to be limited in that behalf to the Person or Persons who shall advance or lend the same, by the respective Person or Persons who would, for the Time being, be intitled to such Allotment or Allotments respectively, in case the same had been accepted and inclosed, and such Proportion of the said Expences paid pursuant to the Tenor of this Act; and to be subject to Redemption by such Person or Persons respectively, upon Payment of the Sum and Sums so to be secured thereupon, within the Time so limited, and not otherwise.

And be it further Enacted, by the Authority aforesaid, That all and every Person and Persons to whom any Grant, Mortgage, Lease, or Demise, shall be made by virtue of this Act, or who shall be intitled to the Money thereby secured, may from time to time, by any Deed or Deeds, Writing or Writing under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of or more credible Witnesses, assign or transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and the Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest in and to the same, unto any Person or Persons whatsoever, who may again in like manner assign the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors and Administrators, and all Persons claiming under them, or any of them, shall and may use, take, and pursue, all such lawful Methods, Courses, and Expedients in Law or Equity for recovering and obtaining the Possession of the Premises to be so mortgaged, demised, or assigned as aforesaid, in case of Non-payment of the Principal Money and Interest to be thereby secured, or any Part thereof, as is or are used, taken, and pursued, in all Cases of the like Nature.

Provided always, and be it further Enacted, by the Authority aforesaid, That this Act shall not prejudice the Rights of the Lord of the Manor of *Sileby*, or of any future Lord or Lords of the said Manor, in or to the Seigneurie, Royalties, Rights, and Services, incident and belonging to the said Manor, but that such Lord or Lords for the Time being, and all Persons claiming under or in Trust for him or them, as Lord or Lords of the said Manor, shall at all times hereafter hold and enjoy all Rents, Services, Rights, R

ties, Courts, Perquisites and Profits of Courts, and all other Royalties, Privileges, and Jurisdictions, in as full, ample, and beneficial manner, to all Intents and Purposes, as he or they might have held and enjoyed the same in case this Act had not been made.

Saving always always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than and except the respective Persons to whom any Allotment or Allotments of Lands shall be made by virtue of this Act) All such Estate and Interest as they, every, or any of them, had and enjoyed, of, in, to, or in respect of, the said Fields, Meadows, and Pasture Grounds, before the passing of this Act, or could or might have had or enjoyed, in case the same had not been made; but no such other Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to disturb any of the Allotments to be made in pursuance of this Act; but shall accept the respective Allotments which shall be made in lieu of the Lands, Common Rights, Tythes, or other Interest, which he, she, or they, would have been intitled to, in case this Act had not been made.

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BILL

FOR

Dividing and Inclosing the open arable Fields, open Meadows, and common Pasture Grounds, in the Parishes of Sibley, in the County of Leicesters.

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